

Nahant Board of Selectmen
Executive Session Meeting Minutes – September 27, 2017

On a motion made by Mr. Lombard, seconded by Mr. Taylor it was a unanimous vote in favor to enter into public session at 6:30 p.m.

On a motion made by Mr. Lombard, seconded by Mr. Taylor, it was a unanimous vote in favor to enter into executive session to discuss a complaint made against a public employee, Fire Chief, Michael Feinberg, not to return to open session.

Present: Rich Lombard, Enzo Barile, T Taylor, Jeff Chelgren, FF Austin Antrim-Union Pres., Neil Rossman, Union Atty., FF Nick Papagelis, Union Vice Pres., Larry Donahue, Town Labor Counsel, FF Rob Barreda, FF Jon Tibbo, Union sec./Treas., FF Frank Pappalardo, FF Josh Mahoney, L.T. Dave Doyle, Capt. Dean Palombo, and Matt Reddy of Prof. FF of MA: Mike Feinberg, Fire Chief

Reviewed the following: Complaint against a Public Employee, Chief Michael Feinberg

Mr. Barile read the letter sent to Chief Feinberg regarding this meeting concerning 7/4/17 rescue training letter and 8/16/17 vote of no confidence letter by the fire union. Chief Feinberg denied wanting open session at this time. Attorney Donahue stated that Chief could be represented by Counsel to advise him.

Mr. Barile stated he was comfortable with all in attendance.

Union President, Austin Antrim explained to the Board how the Union came to the vote of no confidence against the Fire Chief, Michael Feinberg as follows:

“Chief wanted to continue water rescue throughout the the winter and keep watercrafts in service which was not the past practice and most of the union was not comfortable with this. Union spoke to Board of Selectmen (BOS) and Chief ordered them not to speak to BOS but to remain within the chain of command or there would be disciplinary action. 12/12/16 Chief held meeting with union and ocean rescue re: training. FF Mahoney expressed his opinion. 12/16 Letter of Discipline issued to FF Mahoney. 1/5/17 Union filed a grievance. Step 2 hearing and the Letter of Discipline rescinded. Poor communication between the Union and Chief ensued.

3/23/17 Chief emailed schedule for mandatory ocean rescue training with no vacation for a week in July. FFs expressed concerns for timing of training and coverage. 5/25/17 Union meeting at Chief’s request where Chief said he’d take care of staffing during training. 7/4/17 Union gave letter to Chief expressing concerns about mandatory training – then shift completion, and station coverage during training. They requested Chief to send copy to TA and BOS. Chief requested email version. 7/11/17 email version sent. Per FF Antrim coverage during training inadequate. BOS never received copy of the letter which prompted 8/14/17 Vote of no confidence letter which was sent to TA & BOS.

9/7/17 Mr. Chelgren sent memo to FF as HR director, stating Town was adequately covered during the training and that the Chief stated that the letter of 7/4/17 was just “for the record.” without meeting with the Union.”

Mr. Lombard asked how communication is now. FF Antrim stated communication exists about day to day assignments but not about past grievances.

After a brief recess to allow for the Union and its representatives to exit the meeting, Chief Feinberg then responded to the complaint. Attorney Donahue stated Chief's attorney, Jack Collins was unable to attend tonight but Chief was entitled to have attorney present for advisement.

Chief Feinberg addressed the grievance as follows:

"Chief had extensive communication and met individually or dually with all FFs addressing all their concerns. He presented schedule of coverage with 2 FFs – Nahant & Lynnfield. He made arrangements for mutual aid with Lynn, Marblehead, and Swampscott. At a 911 call – Lynn would automatically send a ladder truck and Swampscott an engine. Nahant was listed 00 for mutual aid because of training – this is not uncommon and was done at request of Nahant FFs. At no time was town without coverage.

On 7/11 FF Antrim presented Chief with letter re: training – with cc. to TA & BOS. FF Antrim stated it was for the record only and the Chief did not have to send to TA & BOS – it was Chief's choice. Chief asked for electric version to keep on file. During training one FF was free lancing and not following rules and had to be rescued.

Chief stated he has fulfilled his duties, provided the training for all as requested by the Board and provided the coverage for the Town with FFs and Mutual Aid. He was present at all training except when getting lunch for all. He fulfilled his obligations by statute and contract. At no time was he ever requested to pass the letter on to the TA or BOS. It was for the record only and FF Antrim said he could pass it on if he wanted to. If it wasn't for that difference of recollection, there would not have been a vote of no confidence."

Mr. Lombard asked if the Chief did instruct FFs to not speak to BOS. Chief replied yes in respect for the chain of command. Mr. Lombard questioned the need for one time training in July. Chief replied that the 5 day certified training program had July as first availability and then booked up for a year. Cost was \$8750 per program and \$24K total including FF overtime. Mr. Lombard stated 1 FF in firehouse during training when he went there. Chief replied two on duty at all times. Question about why not have training in winter – Chief replied the training had a lengthy winter rescue component.

Mr. Barile asked why not suspend winter rescue? Chief replied: "you go to the scene to respond to 911 by statute and evaluate the scene but you have the tools and equipment to make a rescue if in your opinion it is a safe endeavor to attempt the rescue – only if is safe. Chief has repeatedly told the staff that.

Attorney Donahue stated it is difficult to ascertain what is a legitimate safety concern vs the union doesn't like what the Chief is telling them. It's important to follow the grievance process.

Mr. Barile stressed the need for improved communication and he doesn't know who to trust or believe. Discussion of improving communication, regular meetings, perhaps a facilitator. The Chief recommended that the Board should support the fire chief you hired to uphold the rules of the town. He will improve communications but it needs to start with the Board's support.

The Board was advised by Labor Counsel not to discuss this matter in any other way than an executive session with the Chief present and his lawyer if he so chooses.

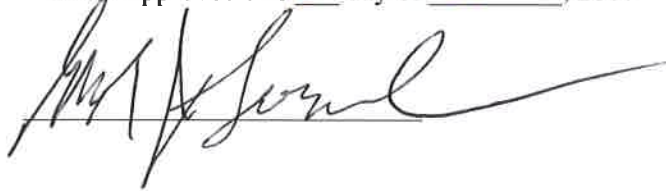
On a motion from Mr. Taylor, seconded by Mr. Lombard it was a unanimous vote in favor to take this under advisement.

On a motion to adjourn by Mr. Taylor, seconded by Mr. Lombard, it was a unanimous vote in favor to adjourn.

Meeting adjourned at 8:43 pm

Minutes prepared by Mary Ellen Schumann

Minutes approved this 2 day of Nov, 2017

A handwritten signature in black ink, appearing to read "Mary Ellen Schumann", written over a horizontal line.